



VII. EXCEPTIONS TO ARBITRATION AWARDS (ARB) - PART D OF THE SURVEY

Exceptions to Arbitration Awards (ARB) may be filed by either a union or an agency that is a party to an arbitration award. A series of questions were asked to assess the quality and effectiveness of the Authority's procedures for processing an ARB. This was set of skip questions; if they did not apply, the respondents were asked to go to Part E. In question D1, 150 respondents indicated participation in ARB appeals in 1996/1997 and were identified from the case tracking system of FLRA as having been a participant. Only these latter respondents were asked to complete the remainder of the questions in Part D.

A. ARB Base Handling Procedures

When the Authority receives an exception to an arbitration award, it issues an acknowledgment order and a checklist to assist the parties in meeting any procedural requirements. 74% (110) of ARB participants reported receiving an acknowledgment order. Respondents who received an acknowledgment order, 45% of believed to a great extent the statement, "the order clarified the requirements for processing the case," 36% agreed to some extent, and 19% said not at all. There were little differences between agency and union respondents. See Table 33.

26% of respondents who received an acknowledgment order also received an order to show cause relating to the exception. Of 30 respondents who also received an order to show cause relating to the exception, 53% of those respondents believed to a great extent the statement, "the document explained the information needed to complete the appeal," 27% agreed to some extent, and 20% said not at all. Again, there were only minor differences between agency and union respondents.

B. Quality of Service Provided by Authority Employees in Office of Case Control

Respondents who communicated with an Authority employee in the Office of Case Control answered questions about the quality of service provided by that employee for exception to arbitration awards. (There were too few respondents to report differences between agency and union respondents.) Of 14 respondents, 79% agreed with the statement, "the Authority employee was courteous and professional, 14% neither agreed nor disagreed, 7% disagreed. Of 14 respondents, 57% agreed with the statement, "the Authority employee was knowledgeable about the Statute, regulations and case processing procedures," 36% neither agreed nor disagreed, and 7% disagreed. Of 14 respondents, 71% agreed with the statement, "the Authority employee provided clear and prompt answers to my questions," 7% neither agreed nor disagreed, and 21% disagreed. Of 14 respondents, 86% agreed with the statement, "the Authority employee gave no indication of favoring one party's position over another's," 7% neither agreed nor disagreed, and 7% disagreed. See Table 34.

C. Authority Decisions

68% of participants in ARB cases (95) were a party to or represented a party in ARB cases decided by the Authority in 1996/1997. Disparity between agency and union respondents was consistent with regard to perceptions about the accuracy, explanation of issues and arguments, and reasons for the conclusions reached, with agency respondents being far more positive than union respondents. See Table 35. (There were only 2 individual respondents.)

TABLE 33
ARB CASE HANDLING PROCEDURES

	<u>Number of Respondents</u>	<u>To a very great/Great Extent</u>	<u>To a little/ Some Extent</u>	<u>Not at all</u>
D1. Did you participate in any cases involving exceptions to an arbitration award that were filed or decided in 1996 and/or 1997?				
Total Respondents Who Answered Yes:		150		
D2a Did you receive an acknowledgment order and a checklist in an exception to an arbitration award?				
Total Respondents Who Answered Yes:		110		
D2b To what extent did the acknowledgment order and the checklist clarify the requirements for processing the case?				
Exceptions to Arbitration Awards	106	45%	36%	19%
Role Represented before FLRA				
Agency	55	45%	42%	13%
Union	50	44%	30%	26%
Individual	1	100%	0%	0%
Other	0	0%	0%	0%
D2c Did you receive an Order to Show Cause relating to the exception?				
Total Respondents Who Answered Yes:		34		
D2d To what extent did the Order to Show Cause explain the information needed to complete the appeal?				
Exceptions to Arbitration Awards	30	53%	27%	20%
Role Represented before FLRA				
Agency	16	56%	31%	13%
Union	14	50%	21%	29%
Individual	0	0%	0%	0%
Other	0	0%	0%	0%



TABLE 34
QUALITY OF SERVICE PROVIDED BY AN AUTHORITY EMPLOYEE

	<u>Number of Respondent s</u>	<u>Agree/ Strongly Agree</u>	<u>Neither Agree nor Disagree</u>	<u>Disagree/ Strongly Disagree</u>
D3a. The Authority employee: was courteous and professional.				
Exceptions to Arbitration Awards	14	79%	14%	7%
Role Represented before FLRA				
Agency	7	72%	14%	14%
Union	7	86%	14%	0%
Individual	0	0%	0%	0%
Other	0	0%	05	0%
D3b The Authority employee: was knowledgeable about the Statute, regulations and case processing procedures.				
Exceptions to Arbitration Awards	14	57%	36%	7%
Role Represented before FLRA				
Agency	7	72%	14%	14%
Union	7	43%	57%	0%
Individual	0	0%	0%	0%
Other	0	0%	0%	0%
D3c. The Authority employee: provided clear and prompt answers to my questions.				
Exceptions to Arbitration Awards	14	71%	7%	21%
Role Represented before FLRA				
Agency	7	71%	0%	29%
Union	7	72%	14%	14%
Individual	0	0%	0%	0%
Other	0	0%	0%	0%



TABLE 34 Continued
QUALITY OF SERVICE PROVIDED BY AN AUTHORITY EMPLOYEE

	<u>Number of Respondents</u>	<u>Agree/ Strongly Agree</u>	<u>Neither Agree nor Disagree</u>	<u>Disagree/ Strongly Disagree</u>
D3d The Authority employee: gave no indication of favoring one party's position over another's.				
Exceptions to Arbitration Awards	14	86%	7%	7%
Role Represented before FLRA				
Agency	7	86%	14%	0%
Union	7	86%	14%	0%
Individual	0	0%	0%	0%
Other	0	0%	0%	0%

Of 94 respondents, 63% agreed with the statement “the Authority decision accurately presented the facts of the case,” 12% neither agreed nor disagreed, 25% disagreed. Of 51 agency respondents, 80% agreed, of 40 union respondents, 43% agreed. Of 93 respondents, 67% agreed with the statement, “the Authority decision explained the issues in the case,” 13% neither agreed nor disagreed, and 20% disagreed. There was little difference between agency and union respondents. Of 92 respondents, 68% agreed with the statement “the Authority decision explained the arguments in the case, 10% neither agreed nor disagreed, and 22% disagreed. Of 50 agency respondents, 84% agreed, and of 39 union respondents, 51% agreed. Of 93 respondents, 66% agreed with the statement “the Authority decision decided the issues raised by the parties,” 13% neither agreed nor disagreed, and 21% disagreed. Of 49 agency respondents, 78% agreed, of 41 union respondents, 54% agreed.

Timeliness is an issue here. Of 95 respondents, 29% agreed with the statement, “the Authority decision was issued in a timely manner,” 12% neither agreed nor disagreed, and a large 59% disagreed. The difference between agency and union respondents on this question is interesting. Of 50 respondents, 44% agreed, while of 42 union respondents, only 12% agreed.

Of 95 respondents, 58% agreed with the statement “the Authority decision explained the reasons for the conclusions reached,” 13% neither agreed nor disagreed, and 29% disagreed. On this question there also was a large difference between the perceptions of agency and union respondents. Of 51 agency respondents, 76% agreed, of 41 union respondents, 37% agreed.



TABLE 35
AUTHORITY DECISIONS

	<u>Number of Respondents</u>	<u>Agree/ Strongly Agree</u>	<u>Neither Agree nor Disagree</u>	<u>Disagree/ Strongly Disagree</u>
D5a1 The Authority decision: accurately presented the facts of the case.				
Exceptions to Arbitration Awards	94	63%	12%	25%
Role Represented before FLRA				
Agency	51	80%	10%	10%
Union	40	43%	15%	42%
Individual	2	50%	0%	50%
Other	1	0%	0%	100%
D5a2. The Authority decision: explained the issues in the case.				
Exceptions to Arbitration Awards	93	67%	13%	20%
Role Represented before FLRA				
Agency	50	82%	10%	8%
Union	40	50%	18%	32%
Individual	2	50%	0%	50%
Other	1	0%	0%	100%
D5a3. The Authority decision: explained the arguments in the case.				
Exceptions to Arbitration Awards	92	68%	10%	22%
Role Represented before FLRA				
Agency	50	84%	6%	10%
Union	39	51%	15%	33%
Individual	2	50%	0%	50%
Other	1	0%	0%	100%

TABLE 35 Continued
AUTHORITY DECISIONS

	<u>Number of Respondents</u>	<u>Agree/ Strongly Agree</u>	<u>Neither Agree nor Disagree</u>	<u>Disagree/ Strongly Disagree</u>
D5a4 The Authority decision: decided the issues raised by the parties.				
Exceptions to Arbitration Awards	93	66%	13%	21%
Role Represented before FLRA				
Agency	49	78%	12%	10%
Union	41	54%	14%	32%
Individual	2	50%	0%	50%
Other	1	0%	0%	100%
D5a5 The Authority decision: was issued in a timely manner.				
Exceptions to Arbitration Awards	95	29%	12%	59%
Role Represented before FLRA				
Agency	50	44%	12%	44%
Union	42	12%	12%	76%
Individual	2	0%	0%	100%
Other	1	100%	0%	0%
D5a6 The Authority decision: explained the reasons for the conclusions reached.				
Exceptions to Arbitration Awards	95	58%	13%	29%
Role Represented before FLRA				
Agency	51	76%	8%	16%
Union	41	37%	19%	44%
Individual	2	50%	0%	50%
Other	1	0%	0%	100%

TABLE 35 Continued
AUTHORITY DECISIONS

	<u>Number of Respondents</u>	<u>Agree/ Strongly Agree</u>	<u>Neither Agree nor Disagree</u>	<u>Disagree/ Strongly Disagree</u>
D5a7 The Authority decision: resolved the dispute between the parties.				
Exceptions to Arbitration Awards	89	44%	13%	43%
Role Represented before FLRA				
Agency	48	56%	13%	31%
Union	38	29%	16%	55%
Individual	2	50%	0%	50%
Other	1	0%	0%	100%
D5b I understood (even if I did not agree with) the Authority's reasons for reaching the conclusions stated in the decision.				
Exceptions to Arbitration Awards	93	62%	11%	27%
Role Represented before FLRA				
Agency	50	76%	8%	16%
Union	40	48%	15%	37%
Individual	2	50%	0%	50%
Other	1	0%	0%	100%

Of 89 respondents, 44% agreed with the statement “the Authority decision: resolved the dispute between the parties,” 13% neither agreed nor disagreed, and 43% disagreed. Again, there was a large difference between agency and union respondents. Of 48 agency respondents, 56% agreed, of 38 union respondents, only 29% agreed. Finally, of 93 respondents, 62% agreed with the statement “I understood (even if I did not agree with) the Authority’s reasons for reaching the conclusions stated in the decision,” 11% neither agreed nor disagreed, 27% disagreed. Again, there was a large difference between agency and union perceptions. Of 50 agency respondents, 76% agreed; of 40 union respondents, 48% agreed. This is an area that FLRA may wish to use focus groups to explore the reasons behind the major differences found between agency and union respondents.

Comments. D6. How did the timeliness of the Authority’s ARB decision(s) affect your labor-management relationship(s)? (These are examples only. They do not represent a systematic representation of the comments. See Appendix B for the complete set of comments.) (1) No impact as issue; wasn’t significant to relationship but could have if it had been. (2) It helped put the issue to rest so both the Agency and Union could move on. (3) It helped to bring management cooperation in line with union viewpoints on given issues. (4) The authority has still



not issued a decision in my case which is over 1 year old. It has left major issues unsettled! (5) Didn't one way or the other. (6) Perpetuated a divisive argument. (7) Negatively. It took 2 years to issue a decision which found the appeal premature. (8) It caused a festering problem to drag on for 2 years. (9) Positively.

D. Issuing a Short Form Decision

Respondents were asked how helpful it is when the Authority issues a short decision quickly. It is clear from these responses that the participants favor a thorough written analysis of the case over a short decision without a written analysis. Following are these data. From Table 36, of 91 respondents, only 24% agreed with the statement, "it is helpful to me when the Authority issues a short decision quickly, even if the legal analysis is not fully explained," while 6% neither agreed nor disagreed, and 70% disagreed. There was essentially little difference between agency and union respondents. Again, of 89 respondents, only 27% agreed with the statement, "it is helpful to me when the Authority issues a short decision quickly, even if the facts are not fully described," 15% neither agreed nor disagreed, and 58% disagreed. There was essentially little difference between the agency and union respondents. Further, of 88 respondents, 29% agreed with the statement, "it is helpful to me when the Authority issues a short decision quickly, even if the parties' arguments are not fully described," 14% neither agreed nor disagreed, and 57% disagreed. The agency respondents were more favorable than were the union respondents. Of 46 agency respondents, 39% agreed; of 39 union respondents, 20% agreed. See Tables 36, 37, and 38.

From Table 37, of 92 respondents, 71% agreed with the statement, "it is helpful to me when the Authority includes in its decision a thorough discussion of the reasons for the conclusions reached even if it takes longer to issue the decision," 11% neither agreed nor disagreed, and 18% disagreed. From Table 38, of 94 respondents, 21% agreed with the statement, "it would be helpful if the Authority required the parties to participate in alternative dispute resolution procedures in pending exceptions to arbitration awards cases," 15% neither agreed nor disagreed, and 64% disagreed. There was a substantial difference between agency and union respondents. Of 50 agency respondents, 10% agreed, of 41 union respondents, 34% agreed.

Comments. D10. Please add any comments about the Authority's ARB cases. (These are examples only. They do not represent a systematic representation of the comments. See Appendix B for the complete set of comments.) (1) Depends on issue. (2) ADR would just add another layer of dispute resolution, added expense and delay. (3) From the ARB cases I have seen, it does not appear to me that anyone even read the briefs. Everyone simply sidestepped the issues, even when the arbitrator simply ignored the existence of several grievances and failed to address their claims. (4) The short decision process is wrong. (5) All communication concerning the ARB were mailed to the representative. But as of this date, we have not received a decision. (6) Item D-9 - if we wanted alternative dispute resolution we would have gone there. We wanted arbitration per the contract, not ADR. (7) I am amazed at how inconsistent these decisions are and how poorly reasoned. Apparently, the underlying issues are not clearly understood or analyzed by Authority. (8) I was given the wrong information. I was told FLRA had no jurisdiction on exceptions to arbitration awards and my complaint was dismissed quickly. (9)



Arbitration is itself a form of ADR!

TABLE 36
AUTHORITY DECISIONS

	<u>Number of Respondents</u>	<u>Agree/ Strongly Agree</u>	<u>Neither Agree nor Disagree</u>	<u>Disagree/ Strongly Disagree</u>
D7a It is helpful to me when the Authority issues a short decision quickly, even if the legal analysis is not fully explained.				
Exceptions to Arbitration Awards	91	24%	6%	70%
Role Represented before FLRA				
Agency	47	28%	6%	66%
Union	41	22%	5%	73%
Individual	2	0%	0%	100%
Other	1	0%	0%	100%
D7b It is helpful to me when the Authority issues a short decision quickly, even if the facts are not fully described.				
Exceptions to Arbitration Awards	89	27%	15%	58%
Role Represented before FLRA				
Agency	47	32%	17%	51%
Union	39	23%	13%	64%
Individual	2	0%	0%	100%
Other	1	0%	0%	100%
D7c It is helpful to me when the Authority issues a short decision quickly, even if the parties' arguments are not fully described.				
Exceptions to Arbitration Awards	88	29%	14%	57%
Role Represented before FLRA				
Agency	46	39%	15%	46%
Union	39	20%	13%	67%
Individual	2	0%	0%	100%
Other	1	0%	0%	100%



TABLE 37
AUTHORITY DECISIONS - DISCUSSION OF REASONS FOR DECISION

	<u>Number of Respondent s</u>	<u>Agree/ Strongly Agree</u>	<u>Neither Agree nor Disagree</u>	<u>Disagree/ Strongly Disagree</u>
D8 It is helpful to me when the Authority includes in its decision a thorough discussion of the reasons for the conclusions reached even if it takes longer to issue the decision.				
Exceptions to Arbitration Awards	92	71%	11%	18%
Role Represented before FLRA				
Agency	47	72%	7%	21%
Union	42	69%	17%	14%
Individual	2	100%	0%	0%
Other	1	0%	0%	100%

TABLE 38
AUTHORITY INITIATIVES

	<u>Number of Respondent s</u>	<u>Agree/ Strongly Agree</u>	<u>Neither Agree nor Disagree</u>	<u>Disagree/ Strongly Disagree</u>
D9 It would be helpful if the Authority required the parties to participate in alternative dispute resolution procedures in pending exceptions to arbitration awards cases.				
Exceptions to Arbitration Awards	94	21%	15%	64%
Role Represented before FLRA				
Agency	50	10%	16%	74%
Union	41	34%	15%	51%
Individual	2	50%	0%	50%
Other	1	0%	0%	100%